

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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IN RE: AUTOMOTIVE PARTS

ANTITRUST LITIGATION

MASTER FILE NO. 12-md-02311

Hon. Marianne O. Battani

THIS DOCUMENT RELATES TO:

All Actions

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**ORDER ON BRIEFING**

In order to promote judicial economy and streamline the Court's resolution of the large volume of dispositive motions with regard to all component parts, the Court orders the parties to file their briefs in accordance with the additional requirements set forth below.

**A. SCOPE**

1. This Order applies only to briefs filed in support of, or in opposition to, Defendants' collective motions to dismiss under Fed. R. Civ. P. 12(b)(6). It does not modify the briefing requirements in place regarding other motions or briefs.
2. It does not apply to Defendants that file individual motions to dismiss under Rule 12(b)(6).
3. This Order is effective from the date of filing until further notice provided by the Court.

**B. FORMAT**

1. The Court requires this briefing format to facilitate focus on newly-raised, dispositive case law. Use of this format in no way restricts the parties' ability to rely on case law previously cited or to advance arguments considered by the Court relative to other component parts.

2. Every brief, response, or reply filed in conjunction with a collective motion to dismiss must contain a section entitled, "Previously Uncited Authority" (the "Section"). The Section shall appear at the beginning of any arguments raising the sufficiency of the pleadings under federal and/or state law; the statute of limitations under federal and/or state law; standing under Article III, federal antitrust law, or state law; and the sufficiency of the request for injunctive relief.

3. The Section must identify case law from: (1) the Supreme Court of the United States, (2) the Sixth Circuit, or (3) the highest court of the State, under which the claim is brought, that has not been cited by any party in a prior brief filed in conjunction with a Rule 12(b)(6) motion in any component part case. No other cases should be included in the Section.

4. Within this Section, the parties shall set forth arguments based upon the newly identified cases, or respond thereto, and explain how each newly-cited case affects the resolution of the dispute of the particular component part.

5. The page limitations set in place in prior case management orders will not be modified to accommodate the requirements of this order.

**IT IS SO ORDERED.**

Date: September 2, 2014

s/Marianne O. Battani

MARIANNE O. BATTANI

United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 2, 2014.

s/ Kay Doaks

Case Manager